

Attorney Docket: 400

DT03 Re PCT/PTO 07 JAN 2005

PCT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**RECEIVED**

JOHN BOTT et al.

Group Art Unit:

3 MAR 2005

Serial No. 09/762,163

Examiner:

Legal Staff  
International Division

Filed: March 9, 2001

For: AUTOMATED IMMUNOASSAY APPARATUS WITH FLEXIBLE PICK-UP ARM

PETITION PURSUANT TO 37 CFR SECTION 1.137 (b)

Honorable Commissioner of  
Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions to revive the above-entitled patent application. The entire delay in filing the required reply from the due date until the filing of a grantable petition pursuant to 37 CFR 1.137 (b)(3) was unintentional. Attached hereto is the required reply which is the signed inventor's declaration by the four inventors, the petition fee for a small entity, and the surcharge for providing the oath or declaration later than the appropriate 20 or 30 month from the priority date.

01/12/2005 MKAYPAGH 00000132 09762163

01 FC:2617 65.00 OP  
02 FC:1206 665.00 OP

Respectfully submitted,

*Donald C. Casey*

Donald C. Casey  
Registration No. 24,022

311 North Washington Street  
Suite 100  
Alexandria, VA 22314  
(703) 548-2131 DCC:nwl  
Date: January 6, 2005

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on

*January 6, 2005*  
*nwl/atl*

O I P E  
JAN 07 2005  
JCAB

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

U.S. APPLICATIONS		STATUS (Check One)		
U.S. Application Number	U.S. Filing Date	Patented	Pending	Abandoned
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>				
PCT Application No.	PCT Filing Date	U.S. Serial Numbers Assigned (if any)		

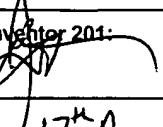
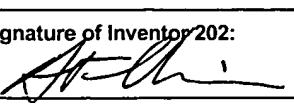
**POWER OF ATTORNEY:** As named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Donald C. Casey, Reg. No. 24,022

Send Correspondence to:		Direct Telephone Calls to: (name and telephone number)	
Donald C. Casey, Esq. 311 North Washington Street, Suite 100 Alexandria, Virginia 22314		(703) 548-2131	

201	Full Name of Inventor	Family Name	First Given Name	Second Given Name
		BOTT	John	
	Residence and Citizenship	City St. Martins	State or Foreign Country Guernsey	Country of Citizenship United Kingdom
202	Post Office Address	Post Office Address Skala, Rue des Grons	City St. Martins	State & Zip Code/Country Guernsey GY4 6JU, UK
	Full Name of Second Inventor	Family Name	First Given Name	Second Given Name
		FUSSELLIER	Andrew	
203	Residence and Citizenship	City Torteval	State or Foreign Country Guernsey	Country of Citizenship United Kingdom
	Post Office Address	Post Office Address L'Eclair, Rue du Laitte	City Torteval	State & Zip Code/Country Guernsey GY8 OPD, UK
	Full Name of Third Inventor	Family Name	First Given Name	Second Given Name
	BUNCE	Adrian	Michael	
204	Residence and Citizenship	City Worthing	State or Foreign Country West Sussex	Country of Citizenship United Kingdom
	Post Office Address	Post Office Address West Lodge Mill Lane, High Salvington	City Worthing	State & Zip Code/Country West Sussex, UK
	Full Name of Third Inventor	Family Name	First Given Name	Second Given Name
	LE PAGE	Paul		
Residence and Citizenship	City St. Andrews	State or Foreign Country Guernsey	Country of Citizenship United Kingdom	
Post Office Address	Post Office Address Vaucour Place, Rue des Talbots	City St. Andrews	State & Zip Code/Country Guernsey GY6 8SU, UK	

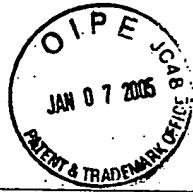
I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both.

under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 201: 	Signature of Inventor 202: 	Signature of Inventor 203:
Date 17 <sup>th</sup> August 2004	Date 17 <sup>th</sup> AUGUST 2004	Date
Signature of Inventor 204: 		
Date 17 August 2004		

under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 201:	Signature of Inventor 202:	Signature of Inventor 203:
Date	Date	Date <i>17<sup>th</sup> AUGUST 2004</i>
Signature of Inventor 204:		
Date		



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/762163	BOTT J	4002-006
DONALD C CASEY 311 NORTH WASHINGTON STREET SUITE 100 ALEXANDRIA, VA 22314		INTERNATIONAL APPLICATION NO. PCT/GB99/02425
		I.A. FILING DATE 23 JUL 99 PRIORITY DATE 04 AUG 98 DATE MAILED: 09 MAR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
  - a Designated Office (37 CFR 1.494),
  - an Elected Office (37 CFR 1.495):
  - U.S. Basic National Fee.
  - Copy of the international application in:
    - a non-English language.
    - English.
  - Translation of the international application into English.
  - Oath or Declaration of inventors(s) for DO/EO/US.
  - Copy of Article 19 amendments.
  - Translation of Article 19 amendments into English.
  - The International Preliminary Examination Report in English and its Annexes, if any.
  - Translation of Annexes to the International Preliminary Examination Report into English.
  - Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_
  - Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_
  - Assignment document.
  - Power of Attorney and/or Change of Address.
  - Substitute specification filed \_\_\_\_\_
  - Verified Statement Claiming Small Entity Status.
  - Priority Document.
  - Copy of the International Search Report  and copies of the references cited therein.
  - Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
    - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
  - The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:

- PCT/DO/EO/917.
- PTO-875

FORM PCT/DO/EO/905 (December 1997)

- Notice of Defective Translation

  
Francine Young  
Telephone: 703-305-3662